



## The E-Newsletter of the Senate Majority Caucus

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Majority Caucus Website: [www.capitol.hawaii.gov/senmaj/](http://www.capitol.hawaii.gov/senmaj/)

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# Full Funding for Charter Schools Announced

On April 22, members of the House and Senate Conference Committee announced that they had reached agreement to provide an additional \$2.5 million for Hawaii's new century charter schools, giving those schools the entire funding amount requested by the Department of Education. The figure allotted to charter schools by the administration, \$25.8 million, fell short of the DOE's request. The additional funding reflects corrections to the administration's estimated per-pupil average and the projected student enrollment for the charter schools. Senate Bill 2425, the bill that expedites funding for new century charter schools, was revised to reflect those corrected figures and to respond to an outpouring of community support for the schools.

### Full Funding Support

"We stand firmly behind the reinvention of our educational system that we have worked so hard to bring about this session," said Senate

Committee on Education Chair Sen. Norman Sakamoto. "That means supporting full funding for our charter schools, based on the most accurate figures available about per-pupil funding and projected enrollments."

### A Rally in Support

An April 23 rally in the Capitol Rotunda attracted hundreds of students and faculty members from charter schools around Oahu. Many of the students carried signs thanking lawmakers for the restoration of



*Students from Halau Ku Mana dance hula in the State Capitol Rotunda at a rally in support of the charter school movement.*

funding for their schools. Several performed hula and chants created for the occasion, in a dramatic display of support for charter schools' innovative approach to education.

### The Charter Movement

The charter school movement is one of the fastest growing areas of public school reform. Charter schools are public schools under contract - or charter - between a public agency and groups of parents, teachers, community leaders, or others who want to create alternatives and choice within the public school system. Charter schools create choice for parents and students within the existing public school system as they provide a system of accountability for student achievement. Charter schools also encourage innovation and provide opportunities for parents to play powerful roles in shaping and supporting the education of their children. As a result, charter schools can spur healthy competition to improve public education.

# Gov. Lingle Fails to Meet Deadline for Nominees

Governor Lingle has missed an April 21 deadline to send the Senate a list of nominations to fill vacancies on the University of Hawaii Board of Regents and the Hawaii Tourism Authority. Senators are concerned that the delay has deprived the body of the ability to confirm or reject those appointments, as Senate rules

mandate. More than 200 appointments have missed the deadline, and the legislative session's scheduled adjournment date is May 6.

### Reminder from Senate President

On February 7, Senate President Robert Bunda sent the customary notification letter to the Governor, reminding her of her obligation and of

the need to provide names to the Senate by the 51<sup>st</sup> day of the 60-day legislative session, which was April 21. Senate rules state that nominations must be received by that date; if not, the names are returned to the Governor without any action being taken.

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# Governor Vetoes DCCA, Optometry Bills

April 27 – Governor Lingle sent down her first veto messages of the 2004 Legislative Session today, vetoing a measure to restructure the funding method for the Department of Commerce and Consumer Affairs (DCCA) and a bill to allow optometrists more flexibility in prescribing therapeutic pharmaceutical agents. Both veto messages were delivered with sufficient time left in the session to allow the Legislature time to vote to override the vetoes. An override requires a two-thirds majority in both houses.

## DCCA Funding Structure

One bill vetoed by the Governor was SB 2525 CD1, which would boost the State's general fund balance by an estimated \$32 million. It also changes the method by which Department of Commerce and Consumer Affairs funding is managed. It creates a "compliance and regulatory education special fund" that would be bankrolled by professional and vocational licensing fees and other revenues gathered by DCCA. The measure repeals the compliance resolution fund and redirects fees for professional and vocational licensing to the newly created special fund. SB 2525 CD1 also redirects other compliance resolution fund fees to the general fund and requires DCCA to return or discount fees if the fees collected in the prior year exceed 110 percent of the attributable costs to the DCCA. If the fees drop below 90 percent, the bill requires the fees to be increased in order to eliminate any shortfalls.

Thus the measure ensures that all personnel and operating costs of DCCA would be paid for by revenues generated by the department, and requires the monthly reporting of those revenues. The unencumbered balance in the compliance resolution fund would be transferred to the

general fund. SB 2525 CD1 also appropriates general funds of \$4,200,000 to the newly established compliance and regulatory education special fund.

## Veto Message

The Governor's veto message on SB 2525 CD1 calls the restructuring a "money grab" with "unintended consequences." It goes on to say "the bill was introduced without warning, without sufficient discussion, and without evident



*The first of the Governor's veto messages came down on April 27 with vetoes of SB 2525 CD1 and HB 1797.*

thought." Majority lawmakers say the measure will have no negative impact on DCCA operations and builds upon the efficiencies added to the department's procedures during the Cayetano administration. It puts in place mechanisms that protect businesses from paying too much for DCCA's services while ensuring that that department has sufficient operating funds.

Because DCCA is, in effect, a monopoly provider of services, citizens have a right to know if it is charging a fair price. Under this measure, DCCA's pricing structure would be transparent, just as the cost of regulated monopolies, such as utilities, is required to be. The new mechanism would assure that the department's budget appropriations match not only its ex-

penses, but its fee structure as well. The business community would review DCCA's finances annually, and fees would be adjusted accordingly.

## Optometry Bill

HB 1797 allows therapeutically certified optometrists to prescribe and use, under certain restrictions, certain pharmaceuticals approved by the optometry board – although optometrists would continue to be prohibited from prescribing or using controlled substances.

The bill text reads, "Although schools and colleges of optometry in the United States utilize a standardized curriculum to produce graduates who are fully qualified to perform the scope of practice, the actual scope of optometric practice authorized by each state, including the degree to which optometrists may administer therapeutic pharmaceutical agents, varies considerably."

## Limited Care?

Hawaii is currently 47<sup>th</sup> among the states in the degree to which it allows optometrists to perform the full range of services for which they have been trained. According to the language of HB 1797, "This has profoundly limited the quality of eye care that optometrists in Hawaii have been able to provide to their patients."

## Governor's Objections

In her "Statement of Objections to House Bill No. 1797, the Governor said, "While more narrow modifications of current law with appropriate safeguards might be acceptable, this bill goes too far in deleting the restrictions that have been in place on the use of topical steroidal agents and anti-viral agents. I, therefore, urge ophthalmologists, optometrists, and their respective boards, and the John A. Burns School of Medicine to establish appropriate guidelines for future legislative consideration."

## Deadline Passes for Governor's Nominees

(continued from page one)

On the deadline date, President Bunda notified the Governor that he was extending the deadline until 10 a.m. Friday, April 23. In a letter to Lingle explaining the deadline extension, Sen. Bunda expressed to her that the Senate needs time to schedule hearings, review testimony, and put the nominations on its agenda for a vote. "A failure to act on your part, i.e., your naming of interim appointees, means that this mandated process is circumvented and precludes us from fulfilling our constitutionally mandated duty," he wrote.

### A Deliberate Delay?

An article in the Honolulu Star-Bulletin's April 23 edition said the Governor may be deliberately delaying appointments to key state boards and commissions until after May 6 in order to avoid the confirmation process. The delay "would allow Republican Lingle to avoid possibly unsuccessful confirmation

fight in the Democrat-controlled Senate," the article said. Senate President Bunda said the apparent failure to provide the names for confirmation is unacceptable. "The law says that these people must come to the Senate for confirmation; we take the confirmation process seriously. I think she is circumventing the law and



*On April 21, Sen. Norman Sakamoto spoke in favor of waiving Senate Rule 37(2) to give Gov. Lingle more time to send down nominations to the Senate for confirmation.*

making up excuses for not sending the names down."

### Interim Appointments

Asked about the delayed appointments, the Governor said, "I have the ability to make interim appointments after the session." If the Senate does not consent to those interim appointments by the end of the 2005 legislative session, those appointments would expire. If that happens, those names could not, under the Constitution, be resubmitted for confirmation.

Two of the Governor's interim appointments from last year's session are pending: University of Hawaii Regent nominees Jane Tatibouet and James Haynes. They need to be confirmed before the end of this year's legislative session or they will not be allowed to serve and the Governor will be required to submit the names of two new nominees for consideration next session.

## Senate Majority Urges Governor to Settle HSTA Contract

In an April 23 news conference, members of the Senate Majority Caucus urged Governor Lingle to settle contract negotiations with the Hawaii State Teachers' Association (HSTA) before the Legislature adjourns on May 6. An appropriate settlement to the negotiations is seen as an essential component of this session's omnibus education reform package. The Senators added their signatures to a letter to Gov. Lingle drafted by Sen. Gary L. Hooser, Vice Chair of the Senate Education Committee.

### Components of Success

The letter reads, "Improving public education in Hawaii does not stop with the passage of one piece of legislation, no matter how comprehensive in nature.

There are many components to the formula for education success. One primary essential element is attracting and retaining quality teachers. There is no question that teachers play a central role in achieving success in the classroom and we cannot truly move forward until we have addressed the critical issue of attracting and retaining quality teachers." Sen. Norman Sakamoto, Chair of the Senate Committee on Education, added "Teachers deserve the best we can give them, and our educational mission for public schools must include appropriate funding of teacher contracts."

### Time-Sensitive Issue

Settling the contract would enable the Legislature to budget funds for the forthcoming fiscal year. Majority Caucus



*Majority Senators signed Sen. Hooser's letter at an April 23 news conference.*

members believe it is possible to afford the teacher raises within the state's financial plan. Any delay would mean that raises would not go into effect until the Legislature meets next year to approve any pay raise.